

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 03-12216MLW

EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS R.  
HOOVER, City Manager, and, HEERY  
INTERNATIONAL, INC. and THOMAS E.  
ELLIS, JR.

Defendants.

ASSENTED-TO MOTION  
TO EXTEND TIME TO FILE  
OPPOSITION TO DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT AND FOR  
ENTRY OF SEPARATE AND FINAL  
JUDGMENT

Now comes the Plaintiff, Eastern Contractors, Inc., (hereinafter "Eastern"), and hereby moves for an extension of time to November 4, 2004 for Eastern to file an opposition to Defendant's, Heery International, Inc., and Thomas E. Ellis, Jr. (collectively "Heery"), Motion for Summary Judgment and for Entry of Separate and Final Judgment. As grounds for this motion, Eastern submits that counsel for the Plaintiff's father was ill and subsequently passed away. As a result, Counsel for Plaintiff has had to contend with rescheduling numerous pending matters. Counsel is now unable to respond to said motion prior to the October 29, 2004 previously agreed upon date. Eastern further states that no party will be unfairly prejudiced by the allowance of this motion. Finally, all counsel have indicated their assent to the motion.

WHEREFORE, the Plaintiff, Eastern Contractors, Inc., respectfully requests that the Court grant this Motion to Extend Time to File Opposition to Defendant's Motion for Summary Judgment and for Entry of Separate and Final Judgment.

EASTERN CONTRACTORS, INC.,

By its attorneys,

//s//

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Sabatino F. Leo (BBO# 642302)  
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Boston, MA 02210  
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AND,

//s//

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(781) 440-9909

ASSENTED TO:  
HEERY INTERNATIONAL, INC. and  
THOMAS E. ELLIS, JR.

By their attorneys,

//s//

David J. Hatem, PC (BBO#225700)  
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CITY OF WORCESTER,

By their attorney,  
David M. Moore  
City Solicitor

//s//

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